

# JANUARY 2007

<b>Campaign</b>	
<b>Joe Naiman</b> <b>Dated: January 19, 2007</b> <b>File Number A-06-213</b>	<p>An unsuccessful candidate who did not receive any contributions from others and made less than \$1,000 in payments may use postage stamps purchased for the campaign for personal purposes after the election.</p>
<b>William Walker</b> <b>Dated: January 25, 2007</b> <b>File Number A-07-008</b>	<p>The requestor seeks advice regarding any potential reporting obligations for a neighborhood organization that works to “get out the vote” among certain groups. The organization received two contributions, one from a state senator and one from a state assembly member totaling \$750. The requestor was advised that his group does not meet the \$1,000 threshold for the Act’s definition of “committee,” and he need not report the contributions.</p>
<b>Connelly</b> <b>Connelly for District 1</b> <b>Dated: January 29, 2007</b> <b>File Number I-06-232</b>	<p>Under the provisions of regulation 18521 a candidate for elective local office may redesignate his campaign account for use in his race for re-election for County Supervisor when that account continues to hold campaign funds or outstanding debt from the previous campaign.</p>
<b>Farrah Douglass</b> <b>City of Carlsbad</b> <b>Dated: January 31, 2007</b> <b>File Number A-07-002</b>	<p>A city attorney sought advice regarding whether a planning commissioner had a conflict of interest in participating in governmental decisions involving customers of her small printing business, who are a source of income to her. The staff advised that the planning commissioner had a conflict of interest with regard to participating in such governmental decisions because of the reasonably foreseeable material financial effect such decisions would have upon her source of income economic interests.</p>

<b>Conflicts of Interest</b>	
<b>Joan Spencer</b> <b>City of Gilroy</b> <b>Dated: January 25, 2007</b> <b>File Number I-07-005</b>	<p>A local appointed Planning Commissioner for a city requested information regarding a potential conflict. She will be voting on a project proposed by an applicant. Her boyfriend is the spokesperson for the applicant. Commission staff advised that she has no conflict of interest under the Act as she has no disqualifying economic interest under the facts provided.</p>

<b>Conflict of Interest Code</b>	
<b>Karen Moreno</b> <b>CA Dept. of Health Services</b> <b>Dated: January 4, 2007</b> <b>File Number I-06-220</b>	<p>This letter answers general questions relating to the amendment and adoption of conflict-of-interest codes when an agency is split into two separate departments.</p>

<b>Gift</b>	
<b>Dated:</b> <b>File Number</b>	

<b>Honoraria</b>	
<b>Seth Cohen</b> <b>City of San Marcos</b> <b>Dated: January 19, 2007</b> <b>File Number I-06-227</b>	<p>City Attorney sought advice regarding whether the honoraria provisions of the Act prohibit a planning commissioner from accepting payments for speaking engagements and related travel expenses for events unaffiliated with a public university, where the official is a professor. The honoraria prohibition does not apply to speeches provided customarily, and in connection with, the practice of a bona fide profession such as teaching. Therefore, if the official's speaking engagements qualify as personal services customarily provided in connection with the official's profession as a university professor, then the honoraria prohibitions would not apply. However, the "earned income" exception to the honoraria ban does not apply if the predominant activity of the profession is making speeches. With regard to payments for travel expenses, the rules that apply differ depending on the actual facts of a case, and the requestor did not provide specific facts or details regarding the reimbursements that the official would receive.</p>
<b>Joe Flower</b> <b>Mendocino Coast Health Care District</b> <b>Dated: January 23, 2007</b> <b>File Number: A-06-225</b>	<p>Compensation received by an official for seminars in which participants receive continuing medical education credits will be considered earned income rather than prohibited honoraria under regulation 18932.2 which provides an exception for teaching as a bona fide profession. However, compensation from other speaking engagements where participants do not receive continuing medical education credits will be considered honoraria because the Act and regulations provide that a business or profession where more than 50 percent of the income is derived from making speeches does not fit within the "bona fide" business exception.</p>

<b>Lobbying</b>	
<b>Dated:</b> <b>File Number</b>	

<b>Revolving Door</b>	
<b>Bradley John Cavallo</b> <b>CA Dept. of Water Resources</b> <b>Dated: January 3, 2007</b> <b>File Number I-06-224</b>	<p>Upon leaving state service and joining a private consulting company, an environmental scientist who was not designated in the Department of Water Resources' conflict of interest code, is not subject to the one-year ban, assuming he did not in fact make or participate in making governmental decisions at DWR. The permanent ban will restrict him from working on any proceeding which he worked on at DWR in other than a non-ministerial capacity.</p>
<b>Alice B. Jempsa</b> <b>City of Los Alamitos</b> <b>Dated: January 26, 2007</b> <b>File Number I-06-229</b>	<p>The Act's one-year ban for local government officials does not prohibit a former city council member from contacting public schools and libraries to promote and sell a book she had authored and published because the provisions will only apply to her appearances before or communications with the city council or agencies within the council's direction and control. Moreover, her appearances before or communications with the city council or agencies within its direction and control are not prohibited so long as they are made in representation of her personal interests and are not made in any quasi-judicial proceedings in which she previously participated.</p>
<b>John F. Almazan</b> <b>CA Dept. of Transportation</b> <b>Dated: January 25, 2007</b> <b>File Number A-07-003</b>	<p>For an official on an unpaid leave of absence who chooses not to return to work, section 87406, the Act's one-year ban for state officials, commences upon the beginning date of the leave of absence and will not begin anew merely because the official must formally resign or because the official receives compensation for accrued vacation time upon formal resignation.</p>

<p><b>Ben Williams</b>  <b>CA Dept. of Water Resources</b>  <b>Dated: January 29, 2007</b>  <b>File Number I-06-206</b></p>	<p>(1) The Act's post-governmental employment restrictions do not prohibit a retired designated employee of a state agency from making appearances before the agency where he will be performing services for the agency as a retired annuitant or as an employee of Cooperative Personnel Services, a joint powers agency, because he will be compensated by his former agency.</p> <p>(2) The one-year ban on post-governmental employment prohibits appearances or communications before his former agency while acting as an agent or representative of third parties if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract or the sale or purchase of goods or property. Also, the permanent ban on "switching sides" may apply.</p>
<p><b>Lance Phillips</b>  <b>CA Dept. of Corrections &amp; Rehabilitation</b>  <b>Dated: January 29, 2007</b>  <b>File Number I-06-228</b></p>	<p>The requestor is a designated employee who will be taking early retirement. He plans to open his own small business selling commodities to state and local government, including his former agency. He will not be prohibited from dealing with his former agency under the Act's revolving door provisions with regard to making sales for his small business because under an exception in the Act he would be representing his personal interests and not that of another.</p>
